

Notice of Public Hearing

LSA Document #11-4

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Under [IC 4-22-2-24](#), notice is hereby given that on May 10, 2011, at 6:00 p.m., at the McCormick's Creek State Park, Canyon Inn, 451 McCormick Creek Park Road, Sycamore Room, Spencer, Indiana; **AND** on May 11, 2011, at 6:00 p.m., at the Webster Recreation Center, Plymouth Park and Recreation Department, 110 Webster Avenue, Plymouth, Indiana, the Natural Resources Commission will hold a public hearing on a proposed rule to amend [312 IAC 9-10-7](#) governing requirements for field trial permit applications and field trials for coyotes and foxes on a dog training ground, to amend [312 IAC 9-10-16](#) governing dog training ground permits to add permitting and other requirements for the operation of a dog training ground for coyotes and foxes, and, beginning on January 1, 2012, to place a moratorium on any new permit application to operate a dog training ground for coyotes and foxes, and to amend [312 IAC 9-11-1](#) to exempt these dog training grounds from the permitting requirements for wild animal possession permits.

[IC 4-22-2-24](#)(d)(3) Justification Statement: The Natural Resources Commission (Commission) has proposed amendments to the field trial permitting requirements in [312 IAC 9-10-7](#), the dog training ground permitting requirements in [312 IAC 9-10-16](#), and the wild animal possession permitting requirements in [312 IAC 9-11-1](#) to fulfill a public request to regulate the chasing of foxes and coyotes by dogs within an enclosure in Indiana in order to provide for the welfare of wild animals. The proposed amendments in the field trial permit rule in [312 IAC 9-10-7](#) would remove the requirement for sanctioning hunting dog associations to submit a list to the Department of Natural Resources (DNR) by February 1 and August 1 of each year. Additional amendments change the requirement for field trial permit applications to be received by the DNR Division of Fish and Wildlife 10 business days before the proposed field trial date instead of 21 days in advance. The additional change requires a field trial permit for foxes and coyotes be issued only to a person with a dog training ground permit under [312 IAC 9-10-16](#) and be in compliance with the applicable requirements. The proposed changes add exemptions for the possession of foxes and coyotes on a dog training ground permitted under [312 IAC 9-11-1](#).

The proposed changes to the requirements in [312 IAC 9-10-7](#) for hunting dog associations to submit lists to the DNR is needed because of the new technology that allows sanctioning associations to post the sanctioned events on their websites. DNR staff can easily find the sanctioned events on-line, and they no longer need to review long lists of approved field trial events by associations such as the American Kennel Club and United Kennel Club. The DNR also believes that the 21-day time frame for submitting an application is no longer warranted because DNR staff can issue permits within a few days. The need for the proposed change to the field trial permits and dog training ground permits issued for foxes and coyotes is the result of two petitions submitted to the Commission requesting that the chasing and killing of foxes and coyotes with dogs in an enclosure be prohibited. The Commission requested the DNR to investigate this matter and provide a report. The DNR reported it does not currently require a permit for dog training (also called running) enclosures. Trappers may live-trap coyotes and foxes during the trapping season and possess them during the remainder of the trapping season without a special permit, making the chasing of them in the wild or in an enclosure lawful during the hunting and trapping season (see [312 IAC 9-3-14.5](#)). It is also currently lawful to chase coyotes or foxes with dogs outside the season with a field trial permit from the DNR under [IC 14-22-24](#) and [312 IAC 9-10-7](#), as long as the foxes and coyotes are not possessed under a game breeder's license or wild animal possession permit. This proposal would fulfill the statutory mandate in [IC 14-22-2-6](#) that the DNR adopt rules to provide for the welfare of animals and the public because this activity is currently not regulated during the open season for coyotes and foxes and under field trial permits.

The DNR made the determinations listed above as a result of conversations with DNR conservation officers, wildlife biologists, the current operator of a dog training enclosure, and those who have expressed concerns and opposition about these types of operations. Sources of information for determining costs and benefits were obtained from DNR conservation officers, staff of the DNR Division of Fish and Wildlife, a Wisconsin conservation officer, and the operator of the dog training enclosure in Indiana.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter
Chairman
Natural Resources Commission

